

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JAMES COOKE,)	State No. 060200255432010
)	
Plaintiff,)	Fed. No.
)	
vs.)	JURY TRIAL DEMANDED
)	
CORELOGIC SAFERENT,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant CoreLogic SafeRent (hereinafter "SafeRent") hereby removes this action from the Maryland District Court for Montgomery County, Maryland to the United States District Court for the District of Maryland. SafeRent further states that:

I. This action raises identical allegations to an action already properly removed to this Court and is removable either because it arises under, or is preempted by, federal statute

1. On July 28, 2010, Plaintiff filed a complaint against SafeRent in the Maryland District Court for Montgomery County, Maryland. Ex. 1 (Plaintiff's First Complaint).

2. Plaintiff's First Complaint alleges that in October 2009, the Defendant performed an unauthorized credit and criminal history check on the Plaintiff. The First Complaint alleged that these acts were taken "in willful noncompliance of the Fair and Accurate Credit Transaction Act and the Fair Credit Reporting Act." Id.

3. The Fair and Accurate Credit Transaction Act ("FACTA") and the Fair Credit Reporting Act ("FCRA") are both federal statutes. The FCRA is a federal law that governs the duties and obligations of credit reporting agencies, creditors, and consumers. See 15 U.S.C. §1681 et seq. The FACTA is a set of 2003 amendments to the FCRA. See Pub.L. 108-159,

available at: <http://www.ustreas.gov/offices/domestic-finance/financial-institution/cip/pdf/fact-act.pdf>.

4. Because the FACTA and the FCRA are federal laws, this Court has original jurisdiction over Plaintiff's allegation that SafeRent violated them. 15 U.S.C. § 1331.

5. Because this Court has original jurisdiction over Plaintiff's allegation, Plaintiff's First Complaint is subject to removal to this Court. 15 U.S.C. § 1441.

6. On September 7, 2010, SafeRent timely removed Plaintiff's First Complaint to this Court pursuant to 15 U.S.C. § 1446(b). See Ex. 2, Cooke v. CoreLogic SafeRent, Case No. 8:10-cv-02463-AW, Dkt. No. 1.

7. On September 23, 2010, Plaintiff filed a second complaint against SafeRent in the Maryland District Court for Montgomery County, Maryland. Ex. 3 (Plaintiff's Second Complaint).

8. Plaintiff's Second Complaint raises the same factual assertion as his First Complaint. See Ex. 3 (alleging that in October 2009, SafeRent performed an unauthorized credit and criminal history check on the Plaintiff).

9. Because Plaintiff's Second Complaint relies on the same facts and legal theory as recited in his First Complaint, this action is removable either because its allegations arise under the FACTA and the FCRA, or because its allegations are preempted by those statutes. See 15 U.S.C. §§ 1331, 1341, 1681h(e).

II. This action is removable because SafeRent's notice of removal is being timely filed.

10. SafeRent was served with Plaintiff's Second Complaint on October 7, 2010. See Ex. 3.

11. SafeRent had to remove this action to this Court within thirty (30) days after service, or by November 8, 2010.

12. SafeRent's notice of removal is timely because it is being filed on or before November 8, 2010.

III. This action is removable because SafeRent is meeting its duties associated with removal.

13. SafeRent is attaching "a copy of all process, pleadings, and orders served upon" it and is thereby complying with 15 U.S.C. §1446(a). See Ex. 1 (Plaintiff's First Complaint); Ex. 3 (Plaintiff's Second Complaint).

14. SafeRent is serving a Notice of Notice of Removal on the Maryland court and on the Plaintiff and is thereby complying with 15 U.S.C. § 1446(d). See Ex. 4.

Dated: November 4, 2010

Respectfully submitted,



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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2010, I served a true and correct copy of the foregoing NOTICE OF REMOVAL, together with all exhibits and attachments thereto, by sending the same via first class United States mail, postage prepaid, to:

District Court for Montgomery County, Maryland
8552 Second Avenue
Silver Spring, MD 20910

James Cooke
P.O. Box 14902
Silver Spring, MD 20911



Brian A. Hill